[APPELLATE CRIMINAL JURISDICTION]

SPROULE, Ag. C.J.
August 8, 1931.

MICHI (f) and ANOYU (f) .....Appellants

vs.

REX .....Respondent

[SINGAPORE CRIMINAL APPEALS Nos. 30 and 31 of 1931]

Women & Girls Protection Ordinance No. 15 of 1930 Ss. 2 and 7 (b)—permitting premises to be used for purpose of prostitution—meaning of "brothel."

In order to sustain a conviction under Section 7 (b) of Ordinance No. 15 of 1930 (Women and Girls Protection) it must be proved that the premises where an offence under the Ordinance is alleged to have been committed have been habitually used by two or more women or girls for the purpose of prostitution. Proof of a solitary instance of user by two or more women or girls is not sufficient.

In this case both appellants the occupiers of No. 121, Kitchener Road, were charged with knowingly permitting such premises to be used as a brothel in contravention of Section 7 (b) of Ordinance No. 15 of 1930 (Women and Girls Protection). The first-named Appellant Michi was further charged with (1) failing to register particulars of aliens staying in her hotel in accordance with S. 7 (1) (b) of Ordinance 160 (Aliens) and (2) with failing to require certain persons staying in her hotel to furnish information as prescribed by Section 9 (1) of the same Ordinance, both offences being punishable under Section 13 (1) of Ordinance No. 160 (Aliens). In Arrest Case No. 3454 the said Michi and Anoyu were convicted and sentenced to a fine of $250 or 3 months rigorous imprisonment in default. In Arrest Case No. 3455 Michi was discharged on the first charge and convicted and sentenced to pay $50/- or 1 month's rigorous imprisonment on the second charge. Against the convictions they appealed.

E. M. Tampoe-Phillips for the Appellants.

Solicitor-General for the Crown.

Cur. Ad. Vult.

SPROULE, AG. C.J.—The English law did not attempt to define a brothel but left it to the Courts. The English Courts have always insisted that "brothel" involves a place of *resort*. It has therefore been held that the allowance of an isolated act of prostitution by strangers to the occupancy, would not make the place a brothel.

Semble, repeated acts which one woman, a stranger to the occupancy, is allowed to do, would satisfy the definition.

This law is well settled. But it has been held that if one woman occupies a place for the purpose of habitual acts of prostitution, that does not make it a brothel, and it has been doubted whether two women independently occupying rooms in the same house each for her own prostitution, would make the house a brothel.

Our draftsman of section 2 of Ordinance 15 of 1930 appears to have attempted to cover both these lines of judicial decision in one short definition.

He says:

> "Brothel" means a house or place occupied or used by any two or more women or girls for the purpose of prostitution.

That solves the open question above propounded and makes a house a brothel if occupied by two or more women each for her prostitution. But it makes much more difficult of local application the other line of cases concerning the allowing of strangers to use the premises of the accused for acts of prostitution.

The user must be habitual in either case, and not a mere solitary act. "Occupied or used" clearly must be construed as *ejusdem generis*,—to give only one reason for that hypothesis.

But whereas allowance of habitual user by one woman would make the place a brothel in England, in this Colony allowance must be proved of habitual user by more than one woman.

One proved instance of use by two women may in certain circumstances, prove it to be, not solitary, but one of many instances. And in our case if the three women or any two of them had been asked whether she had been there before for the same purpose, it is likely enough that an affirmative answer would have been forthcoming and would have clinched the matter. Or the rickshapuller, if called may have supplied the missing link and probably would.

But the actual facts proved were that one Arab took a woman once to the Accused's hotel for an act of prostitution; and that two other women together came there once for an intended act of prostitution. What was proved therefore was that the Accused allowed one solitary use of her premises by two or more women, strangers to her occupancy, for purposes of prostitution. That is not enough to satisfy the requirements of our definition. I think it would have been enough if the definition had said, as I think its draftsman really intended, if he had the English law in his mind's eye.

> "Brothel" means a house or place occupied by any two or more women for the purpose of prostitution, or a house or place used as a resort for the purpose of prostitution.

[Sproule, Ag. C.J. made the order that the conviction on the first count against both accused under Section 7 (b) of Ordinance 15 of 1930 be quashed, but that the conviction on the second second count against accused No. 1 (Michi) under Section 9 (1) of Ordinance 160 be confirmed.—Ed.]